

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

GARY E. FRANKLIN

PLAINTIFF

v.

CIVIL NO. 07-5160

MICHAEL J. ASTRUE, Commissioner  
Social Security Administration

DEFENDANT

**O R D E R**

On this 22nd day of January, 2009, the court has before it for consideration plaintiff's request for attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

For reasons set forth in the report and recommendation filed by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas, on December 4, 2008, the court finds that the Magistrate's recommendations should be adopted *in toto* and hereby awards plaintiff's attorney fees in the amount of \$1,247.40 representing 7.56 hours of work at a rate of \$165.00 per hour. Further, this award should be paid directly to plaintiff's counsel. *Ratliff v. Astrue*, 540 F.3d 800, 802 (8<sup>th</sup> Cir. 2008).

This amount shall be paid in addition to, and not out of, any past-due benefits plaintiff may be awarded in the future.

IT IS SO ORDERED.

/s/J imm Larry Hendren  
HON. JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE